IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2353 OF 2005

Ashok P. Kedare .... Petitioner

Versus

The Municipal Corporation of Greater Bombay and Ors. ...Respondents

Mr. P.R. Naidu for the petitioner.

Mrs. P.A. Purandare for respondents.

CORAM: **DALVEER BHANDARI, C.J.** & **S.J. VAZIFDAR, J.**

DATE: **OCTOBER 03, 2005**.

P.C.

1. The petitioner was appointed as a Laboratary Assistant on 20th November, 1973 in the Higher Secondary School of the respondents at Dadar (West), Mumbai. The date of birth of the petitioner which has been disclosed in the School Leaving Certificate issued by M.H. High School, Thana, is 1st June, 1947. This date has been obviously furnished by the petitioner at the time of admission in the school.

2. The petitioner has retired from the service. Only one month before the date of retirement, the petitioner has filed this petition with a prayer that the respondents be directed to rectify the date of birth of the petitioner. According to the petitioner, his date of birth in fact is 1st June, 1950, whereas in service record it has been wrongly mentioned as 1st June, 1947.

3. The petitioner submits that according to the certificate which has been given by Sarpanch of Gram Panchayat, Takli (Vinchur), Tal.Niphad, Dist. Nashik, the petitioner was born in 1950. No date or the month is indicated. The certificate which the petitioner has obtained from the Sarpanch is dated 29th June, 1977. The petitioner for the first time, after about nine years, on 14th July, 1986 addressed a letter to the Head Mistress, Vile Parle (West) Municipal Secondary School, Dadabhai Road, Vile Parle (West),Bombay-56, and requested that the date of birth of the petitioner be changed on the basis of the certificate obtained from the Sarpanch.

4. Despite our repeated queries, the petitioner failed to submit any reply why this certificate issued to him by the Sarpanch way back in 1977 was not produced to the school authorities until 1986 for correction

of his date of birth. In fact, there is nothing on record to show that between 1977 and 1986, the petitioner has sent any letter or request to the school authorities for changing his date of birth.

5. Apart from that, we are not sure under what authority the Sarpanch has issued a certificate of that nature and what is the value of such a certificate. The school leaving certificate furnished by the petitioner at the time of entering into the school clearly reveals that the petitioner's date of birth is 1st June, 1947. The petitioner for the first time realised on 10th March, 1986 that his date of birth should be changed on the basis of the certificate issued in 1977 by the Sarpanch of Gram Panchayat.

6. We have indicated in the preceding paragraph that there is no basis on which the Sarpanch had issued the certificate only mentioning the year of the petitioner's birth. No details regarding date and month have been indicated in the certificate. In our considered view, the Sarpanch had no authority to issue such a certificate. If such certificates are entertained, it would lead to total chaos in the Administration.

7. This petition has been filed only one month before his

superannuation in order to get few more years of service in a clandestine manner. This petition being devoid of any merit is accordingly rejected.

CHIEF JUSTICE

S.J. VAZIFDAR, J.